



March 14, 2017

Marlene Dortch
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

VIA ECFS – Re: CG Docket 17-59, NPRM and NOI for Robocalls

Dear Ms. Dortch:

I applaud the Commission's recent initiative to disclose proposed actions to public scrutiny prior to their adoption. This approach gives the Commission the opportunity to tune their formal notices such that they might be more fruitful and draw more constructive public input as the process proceeds.

It is with this in mind that, at this early stage, I volunteer these comments.

Please consider the following three suggestions as you finalize your Notice:

- 1) Given that the objective is to reduce the volume of robocalls plaguing US telephone network stakeholders, include in the notice a framework for qualitatively and, ideally, quantitatively assessing the impact that any specific proposal would have towards that objective.
- 2) The Notice is primarily directed to actions by "providers." There needs to be context and specificity regarding the role of any given provider in delivering (or not) a robocall, and that provider's relationship with the entity that placed the call and the entity to whom it is directed.
- 3) The draft Notice is focused generally on blocking calls when they reach the TERMINATING provider. Expand the Notice to include all providers involved in robocalling, and explore the culpability of providers that are facilitators or co-conspirators or enablers of illegal and fraudulent robocalling.

The remainder of this document expands on each of these areas.

I. Evaluating the Impact of Robocall Mitigation Initiatives

Robocallers are notoriously clever and adaptable. Any action taken to deter them will evoke a reaction; a change in tactics on their part. It behooves the FCC and other stakeholders in this proceeding to anticipate how robocallers will respond to any change we might contemplate. "Think like a robocaller."

The draft Notice explores blocking calls that originate from specific originating numbers, where the subscriber to that originating number has requested the block. Presumably this is for situations where the subscriber uses the number for inbound calls only; only a spoofer would originate a call using the number. Thus, it makes sense to block such originations.

A robocaller using a specific originating number, either as a result of random selection or purposefully, who then finds his calls blocked, will trivially switch to an alternate originating number. The block may help subscribers to certain numbers avoid the pitfalls of having their

number spoofed. But at the scale of the robocalling problem, this initiative will have zero impact on the overall volume of robocalls.

One of the more popular justifications for a “do-not-originate” list is the suggestion that robocallers spoof the IRS consumer help line number, 800-829-1040, in the belief that it encourages call recipients to answer the phone and perhaps to believe that the caller represents the IRS (“See how my number ends in 1040?”).

But the average consumer is almost as likely to believe that story if the number is 888-829-1040 or 800-892-1040 or any of at least tens of thousands of other possibilities. How many of us have committed the IRS help number to memory?

This initiative may have garnered further credibility from the October Robocall Strike Force report, where it was reported that “The IRS conveyed a 90% reduction in IRS scam call complaints in the last two months, with the largest drop off coinciding with the DNO trial....”

Implying a causal relationship here is disingenuous on the part of the report’s authors. The reduction in scam calls also coincided with a police raid on a large-scale call-center operation in India, where hundreds of people were making the calls. The center was shut down and the calls stopped, independent of DNO. The causal relationship no doubt lies to a far greater extent with the raid, not DNO.

Robocallers will be absolutely undeterred by DNO. Energy spent deploying that “solution” is harmful to the extent that it detracts from more fruitful endeavors.

The draft Notice also suggests blocking calls from unassigned numbers, including invalid numbers, numbers not allocated to any provider, and numbers allocated but not assigned to a subscriber.

Again, this is trivially defeated by the robocallers. Today, they spoof these numbers because they are lazy or sloppy; there’s no reason to expend effort if you don’t have to. But if a measurable fraction of their calls were to actually get blocked (and remember, the draft Notice states that there are 2.4 billion calls per month, so in order to see a 10% drop, we’d need to block 240 million calls per month), the robocallers would refine their spoofing algorithms to avoid the targeted number ranges.

It is trivial for robocallers to select number blocks that are valid and allocated (from the Local Exchange Routing Guide, for example). Further, robocallers can readily find blocks that are fully subscribed, such as those assigned to large Centrex and PABX users, including large enterprises, government entities, hospitals, universities, and the like. Millions of such numbers could be gathered in minutes from simple Internet searches, and of course calls from those numbers can’t generally be blocked because the numbers belong to credible institutions.

In the context of making a measurable reduction in robocalls, there is no end-game for “solutions” that block based on caller-ID. The Notice should request those that think otherwise to show how a robocaller would not be able to work around such technology in less time than it takes to dial “0” on a rotary phone.

What you don’t measure you can’t manage. Any initiative promoted by the Notice or submitted in response should explore how the impact will be measured, and should include a tentative

quantitative analysis bounding likely outcomes. Even with a zone of uncertainty, this analysis can inform which approaches should be pursued versus those that should be abandoned.

The Notice should propose how progress in the robocall fight will be measured and shared, and solicit further ideas and refinement. While the FCC has extensive complaint data, the FTC has a vastly larger number of complaints, and the most recent trends indicate generally rising numbers of complaints per unit time. The Notice might ask if this complaint data serves as a useful proxy for the actual extent of the problem, and how best to use that data to guide future mitigation efforts and to provide feedback to stakeholders (including regulators and politicians as well as consumers).

II. Provider Definitions and Roles

The draft Notice refers to “provider” about 170 times. A telephone call generally involves an Originating Provider (whose customer is the entity placing the call), a Terminating Provider, whose customer is the recipient of the call, and zero or more Transit or Intermediate Providers, that connect the networks of the Originating and Terminating Providers. Of course, it is possible for the Originating and Terminating Providers to be the same for some calls (as is the case, for example, when a Verizon customer calls another Verizon customer).

When referring to a Provider, the Notice should be clear regarding which category of provider is targeted. Much of the existing draft seems to focus implicitly on the Terminating Provider. But (for example) if the industry were to deploy “do not originate” technology, is the Notice suggesting that a provider anywhere in the call path could and should block it if the originating number appears in an industry DNO list?

Generally, robocallers take advantage of the obscurity introduced when multiple providers are involved in a call. To further obfuscate their identity, a given robocaller may use several originating providers. And for resiliency and economic reasons, one call originating on network A and destined for network B may go via transit carriers P and Q, while the next call between those networks goes via X, Y and Z.

In exploring information-sharing and privacy considerations, the Notice should acknowledge the presence of numerous providers in each call path, and the fact that a given robocaller’s campaign will diffuse through many different providers. The Notice should seek input on the best ways for providers to cooperate to mitigate illegal robocalls.

III. Demand More from a Broader Set of Service Providers

The draft Notice is focused on blocking suspected illegal calls at the terminating provider. But robocalls should be much easier to stop closer to the source. It’s easier to stop a shotgun blast at the muzzle than trying to catch individual pellets 100 yards away.

The Notice should expand its exploration of traceback, which has already been identified by enforcers at FCC and FTC as perhaps the most effective tool in actually stopping a significant number of illegal robocalls. Quicker and broader traceback would not only put an end to specific campaigns, but would serve as a deterrent to the robocalling community.

Most providers dislike illegal robocalls as much or more than their customers and are motivated to make at least a minimal investment in mitigation. But some providers turn a blind eye,

because their position in the network allows them to actually profit (usually minimally) from robocaller traffic. And some providers explicitly cater to robocallers, with “dialer decks” and “CNAM rebates” and other scam enablers.

The Notice should establish a carrot-and-stick approach, with carrots encouraging providers to redouble their mitigation efforts and to cooperate with each other and with affiliate groups that can improve the effectiveness of such efforts. The stick needs to be applied to those that aid and abet the illegal robocallers. The FCC should explore what tools it has available to weigh in financially against those providers or other entities that, while perhaps not directly placing robocalls themselves, are part of a system that has allowed this problem to grow so large.

Regards,



David Frankel, CEO
ZipDX LLC
Monte Sereno, CA
dfrankel@zipdx.com